



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,268	01/29/2002	Warren Keith Edwards	D/A1085 (1508/3300)	2691

7590

11/14/2005

Gunnar G. Leinberg, Esq.  
Nixon Peabody LLP  
Clinton Square  
P.O. Box 31051  
Rochester, NY 14603-1051

EXAMINER

CHANKONG, DOHM

ART UNIT

PAPER NUMBER

2152

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/058,268

Applicant(s)

EDWARDS ET AL.

Examiner

Dohm Chankong

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

Art Unit: 2152

## DETAILED ACTION

1> This action is in response to Applicant's amendment and remarks. Claims 1-33 are presented for further examination.

2> This is a non-final rejection.

*Response to Arguments*

3> Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection.

*Double Patenting*

4> Claim 1, 8, 12, 19, 23 and 30 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 11, 12 and 20 of copending Application No. 10/052,585. Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following reasons. Taking claim 1 as the exemplary claim for each application:

Application 1 : 10/052,585

A system comprising:

a plurality of components a first component in the plurality of components having a *universal contextual interface*, the universal contextual interface associated with at least one instruction for *transferring contextual data*; and a second component in the plurality of components that *invokes the universal contextual interface* to execute the at least one instruction to *transfer the contextual data* between the first component and at least one of the plurality of components

Application 2 : 10/058,268

A system for enabling components to transfer data between each other, the system comprising: a plurality of components including a first component having a *universal data transfer interface*; and a second component capable of *invoking the universal data transfer interface* to cause a data transfer object to be sent to at least one of the plurality of components, wherein the data transfer session object is capable of being *invoked by the at least one of the plurality of components to transfer data* between the first component and the at least one of the plurality of components.

The co-pending applications are clearly directed towards a universal transfer mechanism between components. The only substantial difference between the applications, that Applicant 1 is directed towards a universal contextual interface and Applicant 2 is directed towards a universal data transfer interface, are merely obvious variations of one another. That is, it is obvious to one of ordinary skill in the art that providing a universal contextual interface as opposed to a universal data transfer interface is an obvious step because both interfaces are directed towards transferring data between components. The fact that Application 1 transfers contextual data and Application 2 transfers merely data seems to be a matter of design choice and requires only ordinary skill in the art to implement. The other independent claims of the applications are rejected for at least the same reasons.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2152

5> Claims 1, 2, 4, 5, 12, 13, 15, 16, 23, 24, 26 and 27 are rejected under 35 U.S.C § 102(e) as being anticipated by Srinivasan et al, U.S Patent No. 6,751,647 ["Srinivasan"].

6> As to claim 1, Srinivasan discloses a system for enabling components to transfer data between each other, the system comprising:

a plurality of components including a first component having a universal data transfer interface [column 2 «line 60» to column 3 «line 3» | column 4 «lines 12-33»];

a second component capable of invoking the universal data transfer interface to cause a data transfer session object to be sent to at least one of the components, wherein the data transfer session object is capable of being invoked by the at least one of the plurality of components to transfer data between the first component and the at least one of the plurality of components [column 4 «line 66» to column 5 «line 30» | column 7 «lines 18-54» where : user computer receives the E-business component that contains the instructions for exchanging data between the provider and user computer].

7> As to claim 2, Srinivasan discloses wherein the at least one of the plurality of components comprises the second component [Figure 1 | column 7 «lines 29-39» | claim 22 where : user computer receives the E-business component from the provider computer].

8> As to claim 4, Srinivasan discloses wherein the at least one of the plurality of components receives the data transfer session object from the first component to be used by

Art Unit: 2152

the at least one of the components for receiving data transmitted from the first component [column 5 «lines 14-44»].

9> As to claim 5, Srinivasan discloses the universal data transfer interface and the data transfer session object have source-specific object oriented mobile code that can be interpreted and performed by the first component or the at least one of the plurality of components [column 4 lines 13-33» | column 8 «line 61» to column 9 «line 33»].

10> As to claims 12, 13, 15, 16, 23, 24, 26 and 27, as they do not teach or further define over the previously claimed limitations, they are rejected for at least the same reasons set forth for claims 1, 2, 4 and 5, respectively.

11> Claims 1-5, 7, 12-16, 18, 23-27 and 29 are rejected under 35 U.S.C § 102(e) as being anticipated by Zintel, U.S Patent No. 6.779.004.

12> As to claim 1, Zintel discloses a system for enabling components to transfer data between each other, the system comprising:

a plurality of components including a first component having a universal data transfer interface [column 4 «lines 56-65» | column 5 «lines63-67» | column 7 «lines30-48»];

a second component capable of invoking the universal data transfer interface to cause a data transfer session object to be sent to at least one of the components, wherein the data transfer session object is capable of being invoked by the at least one of the plurality of

Art Unit: 2152

components to transfer data between the first component and the at least one of the plurality of components [Figure 1 | column 3 «lines 20-25» | column 5 «lines 24-30» | column 6 «lines 36-41» | column 9 «lines 6-16» where : any device can initiate and control the transfer of data from any device, to any device, under the control of any device, the devices receiving description documents that provide instruction on the capabilities of the device].

13> As to claim 2, Zintel discloses wherein the at least one of the plurality of components comprises the second component [Figure 1].

14> As to claim 3, Zintel discloses the system wherein the at least one of the plurality of components sends a second data transfer session object to the first component to be used by the first component for receiving data transmitted from the at least one of the plurality of components [Figure 1 where : the devices exchange description documents to enable communications and control over the other device].

15> As to claim 4, Zintel discloses wherein the at least one of the plurality of components receives the data transfer session object from the first component to be used by the at least one of the components for receiving data transmitted from the first component [Figure 1].

16> As to claim 5, Zintel discloses the universal data transfer interface and the data transfer session object have source-specific object oriented mobile code that can be

Art Unit: 2152

interpreted and performed by the first component or the at least one of the plurality of components [Figure 9 | column 29 «line 60» to column 30 «line 4»].

17> As to claim 7, Zintel discloses the data transfer object is configured to indicate completion responsive to expiration of a data transfer lease by the first component or the at least one of the plurality of components, or responsive to the first component or the at least one of the plurality of components indicating that the data transfer has completed or failed [column 22 « lines 44-48»].

18> As to claims 12-16, 18, 23-27 and 29 as they do not teach or further define over the previously claimed limitations, they are rejected for at least the same reasons set forth for claims 1-5 and 7, respectively.

*Claim Rejections - 35 USC § 103*

19> The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20> Claims 3, 14, 20, 25 and 31 are rejected under 35 U.S.C § 103(a) as being unpatentable over Srinivasan, in view of Kronz, U.S Patent No. 6,675,196.



Art Unit: 2152

21> As to claim 3, Srinivasan does not expressly disclose that the at least one of the plurality of components sends a second data transfer session object to the first component to be used by the first component. However, it should be noted that Srinivasan discloses that his devices can be implemented as virtually any two computers that need to communicate with one another [column 9 «lines 50-63»]. It would have been obvious to one of ordinary skill in the art to reasonably infer that it would be possible to reverse Srinivasan's method; that is, the user computer could send a data transfer object to the provider computer to instantiate the same kind of communications enabled when the provider computer transfers a data object to the user computer.

Further, Kronz is directed towards enabling communications between various devices in a network. Kronz achieves this purpose through means similar to Srinivasan, by providing an object containing instructions as to the capabilities of other devices. In essence, Kronz provides a universal protocol that enables communications between the devices. A second device thus is capable of sending a data session transfer object to a first device, the first device using the object for receiving data transmitted from the second device [column 1 «lines 56-65» | column 4 «lines 1-11» | column 6 «lines 48-60» where : each device can be both server and client, essentially able to both respond and request data objects from other devices].

Thus it would have been obvious to one of ordinary skill in the art to incorporate Kronz's universal protocol and server|client device functionality into Srinivasan's system. Srinivasan clearly allows for any kind of computing devices to communicate with one another, and it would be particularly advantageous to supplement his system with Kronz's

Art Unit: 2152

teachings to allow for devices to both request and respond to communication and service requests (have both server and client functionality). Such a combination would be desirable as it provides a universal protocol to provide communications between a wide variety of devices [column 1 «lines 51-53»].

22> As to claims 14, 20, 25 and 31, as they do not teach or further define over the claimed limitations, they are at least rejected for the same reasons set forth for claim 3, supra.

23> Claims 6, 17 and 28 are rejected under 35 U.S.C § 103(a) as being unpatentable over Srinivasan, in view of Balog et al, U.S Patent Publication No. 2002/0022453 A1 [“Balog”].

24> Srinivasan does disclose a system wherein the data transfer session object comprises instructions for enabling the first component or the at least one of the components to negotiate with each other to transfer data [column 7 «lines 18-28»] but does not disclose selecting a communications protocol to use to transfer data between each other based upon a type of data being transferred or for selecting a transfer medium to use to transfer data based upon the type of data.

25> In the same field of invention [abstract], Balog discloses selecting a communications protocol to use to transfer data between each other based upon a type of data being transferred [0010]. It would have been obvious to one of ordinary skill in the art to incorporate Balog’s dynamic protocol selection functionality into Srinivasan’s data transfer

Art Unit: 2152

system so that communication protocols can be adapted based on the data to be transferred. Such an implementation would allow increased communication efficiency between devices and ease of use for the end-users [see Balog, 0008].

26> As to claims 17 and 28, as they are merely claims to a method and medium, respectively, that perform the steps of the system of claim 6, they do not teach or further define over the claimed limitations. Therefore, claims 17 and 28 are rejected for the same reasons set forth for claim 6, *supra*.

27> Claims 7, 18 and 29 are rejected under 35 U.S.C § 103(a) as being unpatentable over Srinivasan.

28> As to claim 7, Srinivasan does not expressly disclose the data transfer session object configured to indicate completion responsive to expiration of a data transfer lease by the first component or by the at least one of the plurality of components, or responsive to the first component or to the at least one of the plurality of components indicating that the data transfer has completed or failed. However, Srinivasan does disclose real-time alert functionality and alerting users when changes are being made to their system [column 2 «lines 40-48» | column 9 «lines 23-28»]. It would have been obvious to one of ordinary skill in the art to have utilized Srinivasan's alert capability to notify users when changes to their system have completed or failed [claims 18, 19]. One would have been motivated to provide

Art Unit: 2152

such functionality to keep users up to date with any problems or changes made to their system configuration.

29> As to claims 18 and 29, as they do not teach or further define over previously claimed limitations, they are also rejected for at least the same reasons set forth for claim 7.

30> Claims 8-11, 19-22 and 30-33 are rejected under 35 U.S.C § 103(a) as being unpatentable over Zintel.

31> As to claim 8, Zintel discloses a system for enabling components to transfer data between each other [column 5 «lines 24-27»], the system comprising:

a first component having a first data transfer interface [Figure 1 | column 3 «lines 20-25» | column 21 «line 36» to column 22 «line 38» where : all devices have an adapter that expose them to control from peer networking devices];

a second component having a second data transfer interface [Figure 1 | column 3 «lines 20-25» | column 21 «line 36» to column 22 «line 38» where : all devices have an adapter that expose them to control from peer networking devices]; and

a third component to use a data transfer session object to transfer data between the first component and the second component [column 5 «lines 24-27» | column 6 «lines 63-67» | column 9 «line 61» to column 10 «line 5» | column 16 «lines 61-67» where : “third party”;  
Zintel's description documents of one device to be controlled by another device without any prior knowledge of the services of the one device].

Zintel does not expressly disclose that the third component invokes the interfaces.

However, he does disclose that the transfer between devices can be “under the control of any device on the network” and the control model in his system is based on “third party control” [column 5 «lines 24-27» | column 6 «lines 63-67»]. Zintel further discloses a directories or proxy device that essentially handles negotiations for services between devices [column 46 «line 47» to column 47 «line 21»]. Thus it is obvious that Zintel contemplated a third party that controls communications between two separate devices. In particular, it would have been obvious to one of ordinary skill in the art to have reasonably inferred that Zintel's third party, such as his directory or proxy device, would be able to invoke the interfaces of the separate devices such that the description definitions are transferred between the devices. Such functionality is implied through Zintel's disclosure of third-party control, his use of description documents that provide instruction on operating the controlled device and the fact that each device in the network can initiate or respond to requests [see for example, the sections cited above, and column 5 «lines 65-67» | column 6 «lines 17-41» | column 7 «lines 8-48» | column 10 «lines 43-55» | column 21 «lines 56-64» | column 30 «lines 36-52» | column 47 «lines 45-65»].

32> As to claims 9 and 10, Zintel discloses the third component sends the data transfer session object to the first component to be used by the first component for receiving data transmitted from the second component, and sends the data transfer session object to the second component to be used by the second component for receiving data transmitted from the first component [Figure 1 | column 46 «line 47» to column 47 «line 57» where : the proxy

Art Unit: 2152

stores the enabling description documents and responds to devices' requests with the documents, allowing devices to communicate with one another (Figure 1)].

33> As to claim 11, Zintel discloses the data transfer object is configured to indicate completion responsive to expiration of a data transfer lease by the first component or the at least one of the plurality of components, or responsive to the first component or the at least one of the plurality of components indicating that the data transfer has completed or failed [column 22 « lines 44-48»].

34> As to claims 19-22 and 30-33, as they do not teach or further define over the previously claimed limitations, they are similarly rejected for at least the same reasons set forth for claims 8-11.

### *Conclusion*

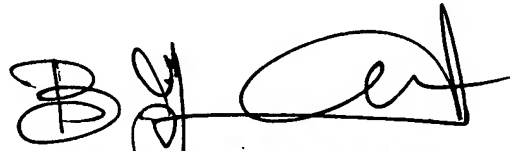
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942. The examiner can normally be reached on Monday-Thursday [7:00 AM to 5:00 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2152

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DC



**BUNJOB JAROENCHONWANIT**  
**PRIMARY EXAMINER**